

### Reasons for Allowance

1. An examiner's amendment to the record appears below. This was made to cancel out all the withdrawn claims, and to amend claim 12 to remedy the 101 issue. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Please rewrite claim 12 as follows:

12. (Currently amended) ~~A computer program product for implementing, in a client system that communicates with a server system, wherein the client system includes a computing device that includes stored program instructions used in the operation of the client system, the computer program product comprising:~~

a computer-readable storage medium carrying computer-executable instructions, that when executed at the a client system that communicates with a server system, cause the client system to perform the method, including the acts of:

checking the validity of stored system program instructions at the client system and checking the validity of stored application program instructions at the client system to determine whether the stored system program instructions or the stored application program instructions have a corrupted portion so as to render the corrupted portion unreadable as intended;

after determining that either the stored system instructions or the stored application instructions have a corrupted portion:

connecting the client system to the server system;

receiving replacement instructions for the corrupted portion from the server system; and

replacing the corrupted portion of the stored program instructions with the replacement instructions; and

determining, at the client system, that a new software version was downloaded onto the client system while the client system was in a powered off state, wherein the powered off state is a state in which the client device is able to receive software upgrades and in which the client device is unable to direct communication to the server.

Please cancel claims 30-31, 33-50

Authorization for this examiner's amendment was given in a telephone interview with Mr. Nathan Rau on 10/23/08.

2. The following is an examiner's statement of reasons for allowance: The Examiner's amendment 10/23/08 places the application into condition for allowance by cancelling all the withdrawn claims and amending remaining claim 12 to remedy the 101 rejection. Previous amendments bring out the subject matter distinguishing over the prior art of record, including describing the details of the powered off state and checking the validity of both the system program instructions and application program instructions. Heath et al comes close in regard to upgrading program code, but does not have all the features of independent claim 12 (computer readable storage medium) of the present invention. The features combined of independent claim 12 are not set forth in the prior art of record.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably

accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven P. Sax whose telephone number is (571) 272-4072. The examiner can normally be reached on Monday thru Friday, 8:30 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Hong can be reached on (571) 272-4124. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Steven P Sax/  
Primary Examiner, Art Unit 2174

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